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9 UNITED STATES MAGISTRATE COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) No. 3 05 70411

13 Plaintiff,)

14 v.)

15 RIGOBERTO CALZADA,)

16 Defendant.)

ORDER AND STIPULATION FOR
CONTINUANCE FROM JULY 18, 2005
TO AUGUST 5, 2005 AND EXCLUDING
TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

17
18 With the agreement of the parties, and with the consent of the defendant, the Court enters
19 this order scheduling an arraignment or preliminary hearing date of August 5, 2005 at 9:30A.M.
20 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary
21 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the
22 Speedy Trial Act, 18 U.S.C. § 3161(b), from July 18, 2005, to August 5, 2005. The parties agree,
23 and the Court finds and holds, as follows:

- 24 1. The defendant has been released on a bond.
- 25 2. Defendant's counsel of record, Elizabeth Falk, has been out of the office and will
26 continue to be out of the office for the period July 18, 2005 through July 28, 2005.
- 27 3. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
28 3161(h)(8)(B)(iv) for continuity of counsel and to provide reasonable time necessary for effective

1 preparation, taking into account the exercise of due diligence.

2 4. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
3 preliminary hearing.

4 5. Counsel for the defense believes that postponing the preliminary hearing is in his
5 client's best interest, and that it is not in his client's interest for the United States to indict the
6 case during the normal 20-day timeline established in Rule 5.1.

7 6. After a hearing on this matter on July 22, 2005, the Court finds that, taking into the
8 account the public interest in the prompt disposition of criminal cases, these grounds are good
9 cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal
10 Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by
11 excluding the period from July 18, 2005 to August 5, 2005, outweigh the best interest of the
12 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

13 7. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
14 hearing date before the duty magistrate judge on August 5, 2005, at 9:30A.M., and (2) orders that
15 the period from July 18, 2005 to August 5, 2005 be excluded from the time period for
16 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
17 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

18
19 IT IS SO STIPULATED:

20 DATED: 7-22-05

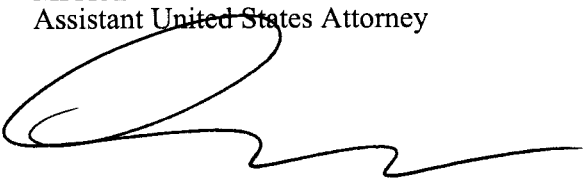
21 /s/
DAN BLANK
Assistant Federal Public Defender

22 DATED: 7/22/05

23 /s/
MICHELLE MORGAN-KELLY
Assistant United States Attorney

24
25 IT IS SO ORDERED.

26 DATED: 7/26/05

27 
EDWARD M. CHEN
United States Magistrate Judge